

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES,

Plaintiff,

V.

DANIEL JAMES,

Defendant.

Case No.: 4:19-cr-43-YGR

PRE-TRIAL ORDER NO. 2

Defendant.

1. The Courts confirms that trial in this matter will proceed in Courtroom One with jury selection on January 16, 2024, and opening statements and evidence to begin on January 22, 2024.
2. The government is in the process of further refining trial evidence. Accordingly, the Court will allow the filing of amended lists. First, the government shall file an amended witness and exhibit lists by December 31, 2023, to accommodate defense counsel's travel and shall file final versions on January 8, 2024. The government shall provide the defense with a courtesy redline of the filings to identify the changes made.
3. The Court anticipates having responses to the jury surveys by January 10, 2024. Parties shall meet and confer regarding agreement to excuse potential jurors. A joint list with any such agreement shall be provided to the Court by noon on January 12, 2024.
4. During trial, the government shall make good faith efforts to provide the defense with 48-hours' notice of witnesses and exhibits.

With respect to all the pending motions in limine, most of which were resolved on the record at the last trial conference, the Court reminds the parties that if a party opens a door by eliciting evidence which would make presumptively-excluded evidence relevant and/or change the

1 balance under Federal Rule of Evidence 403, a party may seek permission for the Court to
2 reconsider a ruling.

3 For the reasons stated on the record on at the December 13, 2023, hearing and upon further
4 review of the specific statements, the Court **OVERRULES** the objections to Exhibits 790, 791, 518,
5 487, 363, 793, 794, 795, and 796. The Court defers ruling on Exhibit 792, pending review of the
6 actual transcript, and Exhibits 1, 433, 475, 476, 534, 536, 537, 621, 640, 698, 713, and 750,
7 pending further explanation and context. The parties shall meet and confer on the exhibits given
8 the Court's guidance, and if appropriate, may renew the issue at trial.

9 **IT IS SO ORDERED.**

10 Dated: December 14, 2023


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE